UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,268	02/24/2000	Makiko Mori	862.C1847	5969

5514 7590 04/19/2006

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
TRAN, TRANG U	
ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/512,268	MORI ET AL.	
	Examiner	Art Unit	
	Trang U. Tran	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,5-9,11 and 13-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-9,11 and 13-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 5-9, 11, and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 3, 5-6, 8-9, 11, 13-14, are 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe Yoshinao (JP 06-062346) in view of Beretta (US Patent No. 5,532,848).

In considering claim 1, Watanabe Yoshinao discloses a television system having a terminal for receiving a television program, and outputting a signal including at least a video signal and an acoustic signal, and an image display device connected to the terminal with a connection cable for receiving the signal from the terminal and outputting corresponding image and sound (see Fig. 2 and the abstract).

However, Watanabe Yoshinao does not specifically discloses detection means, arranged in the image display device, for detecting an ambient environment around the image display device; first adjustment means, arranged in the image display device, for adjusting an output characteristic of the image or the sound by altering the signal received from the terminal in the image display device based on a change of the ambient environment detected by said detection means if the output characteristic of the image or the sound corresponding to the change of the ambient environment is set to be adjusted in the image display device; transmission means for transmitting the change of the ambient environment to the terminal through the connection cable if the output characteristic of the image or the sound corresponding to the change of the ambient environment is set to be adjusted in the terminal, and second adjustment means, arranged in the terminal, for adjusting the output characteristic of the image or

the sound by altering the terminal's output signal in the terminal based on the change of the ambient environment transmitted by said transmission means.

Berretta teaches an apparatus for adjusting correlated color temperature having detection means (plural color temperature sensors of Fig. 10, col. 9, lines 58-63), arranged in the image display device, for detecting an ambient environment around the image display device; first adjustment means (Office 1 to Office 3 of Fig. 10, col. 9, line 63 to col. 10, line 6), arranged in the image display device, for adjusting an output characteristic of the image or the sound by altering the signal received from the terminal in the image display device based on a change of the ambient environment detected by said detection means if the output characteristic of the image or the sound corresponding to the change of the ambient environment is set to be adjusted in the image display device; transmission means (transmitting of the outputs of color temperature sensors between Office 1 and Office 2 and Office 3 of Fig. 10, col. 9, line 63 to col. 10, line 6) for transmitting the change of the ambient environment to the terminal through the connection cable if the output characteristic of the image or the sound corresponding to the change of the ambient environment is set to be adjusted in the terminal, and second adjustment means (Office 1 to Office 3 of Fig. 10, col. 9, line 63 to col. 10, line 6), arranged in the terminal, for adjusting the output characteristic of the image or the sound by altering the terminal's output signal in the terminal based on the change of the ambient environment transmitted by said transmission means for simplifying and reducing cost in adjusting a color image producing apparatus or viewing light in accordance with the detected white color temperature.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of adjusting a color image producing apparatus or viewing light in accordance with the detected white color temperature as taught by Berretta into Watanabe's system in order to simplifying and reducing cost in adjusting a color image producing apparatus or viewing light in accordance with the detected white color temperature.

In considering claim 3, the claimed further comprising second detection means, arranged in the terminal, for detecting an ambient environment around the terminal, wherein said second adjusting means adjusts the output characteristic of the image or the sound by altering the terminal's output signal in the terminal based on the change of the ambient environment transmitted by said transmission means and the ambient environment detected by said second detection means is met by the plural color temperature sensors and the adjusting disclosed in col. 9, line 58 to col. 10, line 6 of Berretta.

In considering claim 5, the claimed wherein the output characteristic which is set to be adjusted in the terminal includes image brightness is met by the adjusting the image signal disclosed in col. 9, line 58 to col. 10, line 6 of Berretta.

In considering claim 6, the claimed wherein the output characteristic which is set to be adjusted in the image display device includes image color temperature is met by the adjusting the image signal disclosed in col. 9, line 58 to col. 10, line 6 of Berretta.

In considering claim 8, the claimed wherein an adjustment result of said first adjustment means is informed to the terminal is met by the adjusting the image signal disclosed in coll. 9, line 58 to col. 10, line 6 of Berretta.

Method claims 9, 11, 13, 14, and 16 are rejected for the same reasons as discussed in the system claims 1, 3, 5, 6, and 8 above.

A computer program product claim 17 is rejected for the same reasons as discussed in the system claim 1 above and CPU 50 disclosed in col. 9, lines 37-42 of Berretta.

A computer-readable storage medium claim 18 is rejected for the same reasons as discussed in the system claim 1 above and CPU 50 disclosed in col. 9, lines 37-42 of Berretta.

In considering claim 19, the claimed wherein the output characteristic which is set to be adjusted in the terminal includes image contrast is met by the adjusting the image signal disclosed in col. 9, line 58 to col. 10, line 6 of Berretta.

In considering claim 20, the claimed wherein the output characteristic which is set to be adjusted in the terminal includes image contrast is met by the adjusting the image signal disclosed in col. 9, line 58 to col. 10, line 6 of Berretta.

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe Yoshinao (JP Publication No. 06-062346) in view of Berretta (US Patent No. 5,532,848) and further in view of Shirayanagi Isao et al (JP Publication No. 10-262198 A).

In considering claim 7, the combination of Watanabe Yoshinao and Berretta discloses all the limitations of the instant invention as discussed in claims 1 and 3 above, except for providing the claimed wherein said second detection means detects a busy telephone signal, and said second adjustment means performs a volume adjustment operation to reduce noise.

Shirayanagi Isao et al teach that the open/close switch 17 is provided at a side passage 16 which is connected to the attenuator 15 in parallel, the open/close switch 17 is closed by a signal transmitted from the detection switch 33 when the receiver 32 is unhooked, a voice signal is transmitted to a speaker 14 via the attenuator 15 so as to reduce or eliminate a voice level (see abstract).

Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the detection switch as taught by Shirayanagi Isao et al into the combination of Watanabe Yoshinao and Berretta's system in order to eliminate inconvenience to adjust the volume of TV set whenever a phone call is made by providing a volume reducing means for the TV set.

Claim 15 is rejected for the same reason as discussed in claim 7.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT
April 17, 2006

Trang U. Tran
Examiner
Art Unit 2622